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8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA
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11 BERKELEY HEARTLAB, INC.,

No. C-07-2076 MMC

12 Plaintiff,

**ORDER DISCHARGING ORDER TO
SHOW CAUSE**

13 v.

14 BERKELEY HEART EUROPE A.S., et al.,

15 Defendants
16 _____/

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18 Before the Court is the Declaration of Alan I. White, filed May 17, 2007, submitted by
19 defendant Charles L. Dimmler III ("Dimmler") in response to the Court's order, filed May 3,
20 2007, directing Dimmler to show cause why the above-titled action should not be remanded
21 for lack of subject matter jurisdiction.¹

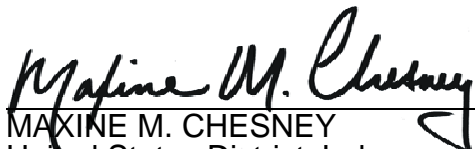
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24 _____
25 ¹Dimmler submitted the declaration on paper and failed to provide a chambers copy.
26 Dimmler is referred to General Order No. 45, which provides that, with certain exceptions
27 not applicable to said declaration, all documents shall be electronically filed. Further,
28 Dimmler is referred to the following provision in the Court's Standing Orders: "In all cases
that have been assigned to the Electronic Case Filing Program, the parties are required to
provide for use in chambers one paper copy of each document that is filed electronically.
The paper copy of each such document shall be delivered no later than noon on the day
after the document is filed electronically. The paper copy shall be marked 'Chambers
Copy' and shall be delivered to the Clerk's Office in an envelope clearly marked with the
judge's name, case number, and 'E-Filing Chambers Copy.'"

1 Having reviewed the Declaration of Alan I. White, the Court finds Dimmler has
2 sufficiently shown the amount in controversy exceeds \$75,000, and, accordingly,
3 DISCHARGES the order to show cause.²

4 **IT IS SO ORDERED.**

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6 Dated: May 18, 2007


MAXINE M. CHESNEY
United States District Judge

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26 ²In his declaration, counsel asserts that before the action was removed, Dimmler,
27 and well as other defendants, had filed motions in state court, such as a motion to stay the
28 instant action, and requests the Court rule on said motions. Counsel is referred to Civil
Local Rule 7-2(a), which sets forth that "all motions must be filed, served and noticed in
writing on the motion calendar of the assigned Judge for hearing not less than 35 days after
service of the motion."